

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING SITE, LANDSCAPE AND ARCHITECTURAL PLANS FOR THE CONSTRUCTION OF A 657,250 SQUARE FOOT SUBREGIONAL COMMERCIAL SHOPPING CENTER AT THE NORTHEAST QUADRANT OF COCHRANE ROAD AND HIGHWAY 101 IN A PLANNED UNIT DEVELOPMENT (HIGHWAY COMMERCIAL) ZONING DISTRICT (APNs 728-37-001, -002, -004, -005 & -007)

WHEREAS, such request was considered by the City Council at their regular meeting of November 16, 2005, at which time the City Council approved architectural and site plan review application, SR-05-12: Cochrane – DiNapoli/Browman; and

WHEREAS, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

NOW, THEREFORE, THE MORGAN HILL CITY COUNCIL DOES RESOLVE AS FOLLOWS:

SECTION 1. The approved project is consistent with the Zoning Ordinance and the General Plan as amended by applications ZA-04-12 and GPA-04-12.

SECTION 2. An Environmental Impact Report has been prepared for this project as part of the following applications: General Plan Amendment, Zoning Amendment, Subdivision, Development Agreement, Use Permit and Architectural and Site Plan Review. Mitigation measures and a monitoring program will be adopted for those environmental impacts identified in the report.

SECTION 3. The approved project shall be subject to the conditions as identified in the set of standard conditions attached hereto, as exhibit "A", and by this reference incorporated herein.

PASSED AND ADOPTED by the City Council of Morgan Hill at a Regular Meeting held on the 16th Day of November, 2005 by the following vote.

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:

🔑 CERTIFICATION 🔑

I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Resolution No. , adopted by the City Council at a Regular Meeting held on November 16, 2005.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

IRMA TORREZ, City Clerk

🔑 AFFIDAVIT 🔑

We, **Darryl Browman of Browman Development Company, Inc.** and **John DiNapoli of JP DiNapoli Companies, Inc.**, applicants, hereby agree to accept and abide by the terms and conditions specified in this resolution.

GENERAL PARTNER:

Morgan Hill DBP LLC
a California limited liability company

By: JP DiNapoli Companies, Inc.
a California corporation
its

By: _____
Name: John DiNapoli
Title: V.P.

Date: _____

By: Browman Development Company, Inc.
a California corporation
its

By: _____
Name: Darryl Browman
Title: President

Date: _____

Revised: March 2, 2005

EXHIBIT " A "
STANDARD CONDITIONS

APPLICATION: Site Review Application, SR-05-12: Cochrane - DiNapoli/Browman

THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO THE ISSUANCE OF BUILDING AND/OR SITE DEVELOPMENT PERMITS EXCEPT AS OTHERWISE SPECIFIED IN THE CONDITIONS. APPROVAL REQUIREMENTS ARE NOT LIMITED TO THE ITEMS LISTED BELOW AND NOT ALL OF THE STANDARD CONDITIONS ARE APPLICABLE TO THE SITE OF A SPECIFIC PLANNING APPLICATION.

THOSE CONDITIONS MARKED BY AN "X" ARE APPLICABLE TO THE PROJECT APPLICATION REFERENCED ABOVE.

COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

I. TIME LIMITS

- ☒ A. The Site and Architectural approval granted under this Resolution shall remain in effect for ~~one year to~~ the life of the Project Development Agreement, 200_. Failure to obtain building permits within this term shall result in termination of approval unless an extension of time is granted with a showing of just cause prior to expiration date. (MHMC 18.74.250)
- ☐ B. The Tentative Subdivision/Parcel Map approval granted under this Resolution shall remain in effect for two years to _____, 200_. Failure to apply for Final Map approval with the City Engineer within this term shall result in expiration of approval unless an extension of time is granted by the Community Development Department (parcel map)/Planning Commission (tentative map) prior to the expiration date. (MHMC 17.20.170; 17.24.110)
- ☐ C. The Conditional Use Permit approval granted under this Resolution shall remain in effect for twelve (12) months to _____, 200_. Failure to commence the use within this term shall result in

termination of approval unless an extension of time is granted with a showing of just cause prior to the expiration date. (MHMC 18.54.070 A)

- ☐ D. In accordance with Section 18.54.090 of the Municipal Code, the Community Development Department shall conduct an annual review of the approved use for compliance with specified conditions. The Department may initiate corrective action as specified in the aforementioned Code Section if necessary to ensure compliance with said conditions. (MHMC 18.54.090)
- ☐ E. Prior to approval and recordation of the final map, written certification from the Morgan Hill Unified School District shall be submitted to the Community Development Department which states that adequate school facilities are or will be capable of accommodating students generated by this project. Such letter of certification must have been issued by the School District within 90 days prior to the final map approval.

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II. SITE DEVELOPMENT

- ___A. Prior to on-site grading, the applicant shall enter into an agreement with the City of Morgan Hill for consultant services. The City shall retain the services of a professional arborist to evaluate the condition of any on-site specimen tree(s) affected by construction activity, and recommend appropriate written specifications which will preserve such trees during and after construction. The City shall provide copies of said written specifications to the applicant, who shall assume responsibility for implementing all recommended actions contained in that document.
- ___B. The applicant shall provide a set of Covenants, Conditions and Restrictions, Bylaws and Articles of Incorporation, for review and approval by the City Attorney prior to final occupancy or recordation of the final map. All such CC&Rs shall include the following text:
1. Common Areas/Right of Ways:
 - a. The Owners recognize that the use, modification and proper maintenance of the Common Area and public right-of-way(s)* are for the benefit of all citizens of the City of Morgan Hill (City) and that the City is an intended third party beneficiary of these covenants, conditions and restrictions and may, upon notice of hearing as set forth below, exercise the same powers of enforcement as the Association.

*Public right-of-way: Exclusive of streets dedicated to and accepted by the City of Morgan Hill
 - b. The City may, by mail or personal delivery, give written notice of the breach of any maintenance obligation to the Association with a demand that such breach be remedied. If such breach is not remedied within thirty (30) days of the mailing or delivery of such notice, the City shall have

standing and the right (but not the obligation) to bring a court action against the Association and Owners to enforce such provision. In addition, the City shall be entitled to recover reasonable attorneys' fees and costs incurred in such action.

- c. The Notice may also contain a date for a hearing on the matter before a City employee designated by the City (which hearing shall be held no sooner than fifteen (15) days after mailing of such notice), and if after such hearing the City determines that there has been inadequate maintenance, the City shall have the right (but not the obligation) to undertake the maintenance of the Common Area or public right-of-way in question. Any and all costs incurred by the City in so maintaining the Common Area or public right-of-way shall be a lien against all the properties included with the Project and shall be the personal responsibility of the Owners and the Association
- d. The entire Project and all of the properties located thereon shall be subject to the conditions and restrictions of all subdivision and other Project approvals by the City, with respect to the Project. Any changes and/or modifications to the Project and/or any Unit, including but not limited to changes to the exterior of any Unit, may be subject to review and approval of the City of Morgan Hill as may be determined by review of the Project approvals by the City of Morgan Hill.
- e. This section may not be amended without the prior written consent of the Director of Community Development for the City. Nothing contained in this section shall limit any other right or remedy which the City may have under its ordinances or state law.
- f. For the purposes of this section, the question of whether there has been a breach of a maintenance obligation or adequate maintenance shall be determined by the provisions of the original Declaration as first recorded with the County Recorder for Santa Clara County and by any amendment thereto, but only to the extent that such maintenance

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obligation or duty of maintenance is increased by such amendment.

2. Tree and Landscape Preservation: The Owners of the Units and Association shall preserve and maintain all trees and landscape on the property originally required by the approved landscape plan and shall not remove or alter any such trees or landscape from the Property without the approval of the Director of Community Development of the City of Morgan Hill.
3. Compliance with the City of Morgan Hill Conditions of Approval: It shall be the responsibility of each Owner and the Association to insure that any changes or modifications to the Project or any Unit are in compliance with the original City conditions of approval of the Project, which are hereby incorporated herein as if set forth in full.

___C. Final site development plans shall be reviewed and approved by the Community Development Department prior to issuance of a building permit. All such plans shall include:

1. Detail depicting all concrete curbs as full formed.
2. Provision of catalogue drawings depicting the proposed parking area lighting fixtures. Exterior lighting of the building and site shall be designed so that lighting is not directed onto adjacent properties and light source is shielded from direct off-site viewing. (MHMC 18.74.370)
3. Ramps, special parking spaces, signing and other physical features for the disabled, shall be provided throughout the site for all publicly used facilities. (MHMC 18.50.110; 18.74.470)
4. Trash enclosures shall be constructed of a sturdy, opaque material, minimum 6 feet in height with solid view obstructing gates and shall be designed in harmony with

the architecture of the building(s). In residential areas, trash enclosure areas shall require an overhead shade structure. Trash enclosures shall be required in all commercial and industrial projects and in residential projects containing four or more dwelling units. (MHMC 18.74.505)

5. All mechanical equipment, including electrical and gas meters, post indicator valve, backflow prevention devices, etc., shall be architecturally screened from view or located interior to the building. All ground mounted utility appurtenances such as transformers shall not be visible from any public right-of-way and shall be adequately screened through the use or combination of concrete or masonry walls, berming, and landscaping. (MHMC 18.74.320) For additional screening, backflow preventers shall be painted dark green, except the fire connection which shall be painted yellow.
6. All existing on-site overhead utilities shall be placed underground in an approved conduit from the service connection at the street or at the property line to the service connection at the building.

___D. Recordation of a final map shall be in accordance with the number of building allotments granted through the Residential Development Control System (RDCS) for this project. Should a portion of the project's building allotment expire prior to final map approval, the number of lots on the final map shall be reduced to correspond to the remaining allotment. (MHMC 18.78.020)

___E. Prior to recordation of the final map, the owner shall submit to the Community Development Director for his approval, a management plan detailing strategies for control of noise, dust and vibration, and storage of hazardous materials during construction of the project. The intent of this condition is to minimize construction related disturbance of residents of the nearby or adjacent properties.

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- ☒ F. Street names, private or otherwise, used to identify building locations shall be submitted to the Planning Division for approval.

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III BUILDING DESIGN

- ☒ A. All roof mounted mechanical equipment shall be placed within a screened roof top enclosure depicted on the elevation drawings or located below the parapet level and shall not be visible from the ground at any distance from the building. Cross section roof drawings shall be provided at the building permit stage indicating the relative height of the screen wall or parapet. Minimum screen height or parapet depth shall be 5 ft. or greater to match the height of any proposed equipment. (MHMC 18.74.320)
- ☒ B. Roof top lighting is not approved for any building within the project. Any ground mounted lighting projecting onto the building or site will be subject to the review and approval of the Director of Community Development. Adjustment to the lighting intensity may be required after the commencement of the use. All parking lot lighting shall be high pressure sodium.
- ☒ C. All vents, gutters, downspouts, flashing, electrical conduits, etc. shall be painted to match the color of the adjacent surface or otherwise designed in harmony with the building exterior. (MHMC 18.74.360)
- ☒ D. Soffits and other architectural elements visible from view but not detailed on the plans shall be finished in a material in harmony with the exterior of the building. (MHMC 18.74.340)

IV. PARKING & VEHICULAR ACCESS *In the event the Council approves an exception to the*

- ☒ A. *10-ft wide landscape requirement for PUDs,*
The interior of any parking area shall be landscaped with planter areas measuring a minimum five feet in width, minimum inside dimension. Additional planters shall be provided at both ends of a row of spaces with the planter area length equal to the adjoining parking spaces. Such planters shall contain an 18" walk adjacent to parking stall (including curb width). (MHMC 18.74.550 C)
- ☒ B. Textured pedestrian pathways across circulation aisles shall be provided throughout the development to connect dwellings or

commercial/industrial buildings with parking areas, open spaces and recreational uses.

- ☐ C. All units shall be provided with automatic garage door openers if driveway is less than 18 feet in depth from back of sidewalk.
- ☐ D. Prior to final map approval or issuance of a building permit, the owner shall record an appropriate deed restriction and covenant running with the land subject to review and approval by the City Attorney for reciprocal ingress/egress easements along the common driveway.

V. LANDSCAPING

- ☒ A. The applicant shall enter into a two-year landscape maintenance agreement effective upon acceptance of landscaping improvements and provide an appropriate bond as required by Section 18.74.560(d) of the Design Review Ordinance. Bond amount shall be based on the assigned value of \$2.50 per square foot of area of planting and irrigation improvements. (MHMC 18.74.560)
- ☒ B. Detailed landscape planting and irrigation working drawings shall be submitted to the Community Development Department for approval prior to issuance of building permits. Landscape plans for streets and landscape easements shall be part of the improvement plan submittal.
- ☐ C. Special landscape features such as mounding, field stones, specimen size trees, meandering sidewalks and landscaping, minimum _____ feet in width, shall be required along _____.
- ☒ D. Landscaping and irrigation systems serving common areas that are required to be installed in the public right-of-way on the perimeter of this tract area shall be continuously maintained by (the property owner/homeowner's Association) _____ as part of the common area improvements.

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- ☒ E. All trees within approved landscape plans shall be of a minimum fifteen gallon size. All shrubs shall be minimum 5 gallon size unless otherwise approved by the Community Development Director.
- ☐ F. A soils report shall be provided with landscape plan at the building permit stage indicating agricultural suitability and soil fertility.
- ☒ G. The balance of a building site not developed as part of this project approval shall be placed in landscaping acceptable to the Planning Division.
- ☐ H. A note shall be placed on the final map which shall indicate that lot(s) _____ shall be used for no purpose other than for on-site storm drainage facilities and recreational amenities. All proposed trails, private open space and associated facilities shall be permanently secured with appropriate documentation [i.e., Deeds; Easements; Covenants, Conditions and Restrictions (CC&Rs), Dedication, Homeowners Association; etc.).
- ☒ I. The landscaping installed and accepted with this project shall be maintained on the site as per the approved plans. Any alteration or modification to the landscaping shall be permitted with the approval of the Director of Community Development.

VI. SIGNS

- ☒ A. The applicants shall obtain Planning Division approval of a sign program prior to issuance of building permits. The terms of said sign program shall be included as a disclosure in all future leasing agreements affecting this parcel. *The signs require approval under the pub zoning application*
- ☒ B. The signs indicated on the plan set drawings are not approved with the subject site review application. Signs proposed for this development shall be designed in conformance with the Sign Ordinance and shall require separate application and approval by the Planning Division prior to installation of any signs.
- ☐ C. Directory monument sign(s) and location map(s) shall be provided for apartment, condominium, or townhouse projects *unless otherwise approved by the PUD guidelines,*

unless otherwise required by the PUD Guidelines

prior to occupancy. Directory signs may also be provided for any multi-tenant commercial or industrial building. Location of the sign(s) shall be interior to the project and design of the directory sign(s) shall be approved by the Planning Division and Fire Department prior to issuance of building permits.

VII.

OTHER CONDITIONS

- ☒ A. It is recognized that the subject structure is proposed as speculative and the ultimate use is unknown at this time. Future commercial/industrial users of this site are subject to the City's commercial/industrial performance standards and may require use permit approval.
- ☐ B. The applicant for land use approval has received notice that the issuance of a building permit to implement such land use action may be suspended, conditioned or denied where the City Council has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of Morgan Hill or to meet discharge standards imposed by the California Regional Water Quality Control Board.
- ☐ C. The City of Morgan Hill currently may not have the sewage treatment capacity necessary to serve this project. Building permit issuance will not be allowed until and unless sewer capacity has been obtained for the project.
- ☐ D. Prior to development of the subject property, the applicant shall follow the recommendations of the Northwest Information Center, Sonoma State University, regarding the investigation of potentially-significant archeological resources on the site, and shall follow recommended actions for the preservation and protection of any resources discovered during such investigation before and during construction activity.

- ☒ E. Defense and indemnity. Applicant agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, injuries, costs and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed against City by reason of its approval of

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this SR application. In addition, applicant shall pay all pre-tender litigation costs incurred on behalf of the City including City's attorney's fees and all other litigation costs and expenses, including expert witnesses, required to defend against any lawsuit brought as a result of City's approval or approvals, but shall not be required to pay any litigation from the City. However, applicant shall continue to pay reasonable internal City administrative costs, including but not limited to staff time and expense spent on the litigation, after tender is accepted. The undersigned hereby represents that they are fully empowered by the applicant as their agent to agree to provide the indemnification, defense and hold harmless obligations, and the signature below represents the unconditional agreement by applicant to be bound by such conditions..

☒ F. Submit two (2) signed copies of Approval Certificate/Resolution No. 05-28 and Council Resolution No. _____ to the Planning Division prior to issuance of building permits.

☐ G. Prior to approval of the final map (or issuance of a building permit where no map is required), the property owner shall submit to the Planning Division two (2) signed notarized copies of the Development Agreement for the proposed project.

☒ H. The applicant shall be subject to compliance with the mitigation measures of the project environmental assessment.

☐ I. Reconnaissance and protocol-level burrowing owl surveys were conducted on the subject site during the peak/non-peak nesting season. Approximately _____ percent of the _____ acre site was found to be consistent with potential burrowing owl habitat. Per the City's Interim Burrowing Owl Mitigation Policy, potential habitat shall be replaced at a ratio of 1:1.0/1:0.5 (taken to mitigation). Based on this policy, _____ acres of replacement habitat is required.

1. Habitat replacement may be either on-site or off-site upon

approval of CDFG. For off-site mitigation, the applicant shall enter into a Mitigation Agreement (MA) with the California Department of Fish and Game (CDFG). Land for off-site mitigation shall be obtained within 18 months of project approval unless an extension is granted by CDFG. (Currently, the MA requires a letter-of-credit or escrow account adequate to cover costs of mitigation and provides a prescribed interval to secure the required mitigation site. If the project sponsor defaults on the MA, the security deposit is remitted to CDFG for their use in securing a site. CDFG currently estimates that \$10,000 per acre, \$20,000 for initial site protection and enhancement, \$40,000 to establish an endowment to fund long-term site management, is adequate to fulfill off-site mitigation requirements).

2. After project approval, in addition to the habitat survey, the applicant shall conduct a preconstruction survey to avoid the take of individual burrowing owls. The preconstruction survey shall be conducted not more than 30 days prior to construction to assure take avoidance of burrowing owls. If owls are observed during the preconstruction survey, no impacts to the owls or their habitat will be allowed during the nesting season (February 1 to August 31).

a. If there are construction activities during the breeding season, and if burrowing owls are observed on, or within 250 feet of the project site during preconstruction surveys, a 250 foot protective buffer shall be established and monitored.

b. If preconstruction surveys are conducted during the non-breeding season and burrowing owls are observed on the site, the owls may be relocated upon approval of the CDFG once mitigation has been provided (PLNG).

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HOUSING DIVISION

VIII. GENERAL REQUIREMENTS

- ___ A. Relocation assistance in the form of a list of available rental units of similar price and in the same general area shall be provided each tenant, together with a relocation allowance equal to three (3) months rent at the tenant's rate in effect at the time final approval is granted. The rental list shall be updated weekly by the applicant until residences are vacated. A copy of all assistance plans shall be forwarded to the Housing Division for approval. Payment shall be made when relocation expenses are incurred or no later than the time the tenant vacates the premises. (MHMC 15.30.050)
- ___ B. The Property Owner shall enter into agreement with the City to provide at least 10% of the for sale homes for participation in a below market rate (BMR) sales program approved by the Planning Division. The BMR participation agreement shall run with the land, and the provisions thereof shall be subject to review by City Attorney prior to recordation.
- The BMR participation agreement shall include the following provisions:
- Family size shall be considered when a home is offered through the BMR program. No distinction shall be made between adults and children;
 - BMR units must be affordable to families at or below the county's current median income as defined by the United States Department of Housing and Urban Development;
 - The monthly housing cost shall include:
 - unit purchase price
 - current lending rates
 - estimated taxes
 - estimated insurance
 - homeowner's association fee
 - other expenses as determined by the lender
 - Units shall be available only to first time home buyers as defined by the BMR program and who currently reside within the County of Santa Clara.

BMR units shall be subject to resale restrictions under individual agreements which shall be binding for a minimum of 45 years.

- ___ C. The Property Owner shall enter into agreement with the City to provide at least ___ of the units for participation in a below market rate (BMR) rental program approved by the Planning Division. The BMR participation agreement shall run with the land, and the provisions thereof shall be subject to review by City Attorney prior to recordation.
- The BMR participation agreement shall include the following provisions:
- Family size shall be considered when a rental unit is offered through the BMR program. No distinction shall be made between adults and children;
- ___ of the BMR units upon the issuance of the certificate of occupancy must be affordable to families at very low or below the County's current median income as defined by the United States Department of Housing and Urban Development and the remaining ___ BMR units must be affordable to families at low or below the County's current median income.
- Property Owner agrees not to convert units to condominiums for a period of twenty (30) years.
 - Tenants will be selected from the City's waiting list.
 - Property owner shall abide by the Program Guidelines incorporated herein by this reference.
- ___ D. The project is located in the Central Commercial-Residential (CC-R) zoning district and therefore must comply with the provisions of the Downtown Replacement Housing Program (DRHP). Those provisions may require that relocation assistance and/or on-site replacement housing be provided to current or past residents of the property. The applicable provisions of the DRHP must be satisfied prior to issuance of building permits for the subject project. (MC 15.30.050; 15.330.060)
- ___ E. Property Owner agrees to pay double the standard Housing mitigation fee.

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BUILDING DIVISION

IX. EXISTING STRUCTURES

- ☐ A. Existing building(s) where an occupancy change or use occurs, shall be made to comply with current Building Code for the intended use. (UBC 3045)
- ☐ B. Removal of existing sewage disposal facilities and connection to city services shall be required prior to final inspection. (MHMC 13.24)
- ☐ C. Additions to structures and or a change in occupancy of use are required to install fire sprinklers. (MHMC 15.08.070)

X. GRADING

- ☒ A. Prior to issuance of building permits, the applicant shall provide contract documents for on-site improvements including comprehensive site grading and drainage plan. Said plan shall provide for exportation of excess soil material as necessary. (UBC, Appendix Chapter 33)
- ☒ B. Prior to issuance of building permits, the applicant shall provide contract documents for on-site improvements including:
 - 1) Comprehensive site grading and drainage plan. Said plan shall provide for exportation of excess soil material as necessary and controlled drainage of storm water away from building.
 - 2) Comprehensive erosion control plan, including hydromulching or hand-seeding methods to be used in all graded or cleared areas. Said plan shall meet the minimum standards and specifications of the Loma Prieta Resource Conservation District.
 - 3) All cuts and fills shall be at a 2:1 slope or less unless stabilized by a retaining wall or cribbing as approved by the City Engineer. Retaining walls that retain four feet or more measured from immediate grade shall be of concrete or masonry. (MHMC 15.08.050)

XI. SITE DEVELOPMENT

- ☒ A. Prior to issuance of building permits, the applicant shall provide two copies of a soils (Geotechnical) engineering report prepared by a registered Civil (Geotechnical) Engineer. The report shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading criteria for corrective measures, and opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes, per UBC Appendix Chapter 70. The report shall also include soil classification and foundation investigation as required by UBC Chapter 29. (UBC, Appendix 33)
- ☒ B. Prior to issuance of building permits, the applicant shall provide two copies of an engineering geology report, prepared by a registered Engineer Geologist. The report shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors. (UBC Appendix Chapter 33)
- ☒ C. Record of survey required. Lot stakes to be set by registered Civil Engineer or licensed Land Surveyor prior to issuance of building permits. (UBC 108.1)
- ☐ D. Plans for all septic tank sewer systems shall be submitted to the Santa Clara County Environmental Health Department for review and issuance of a septic tank permit. Location of the approved septic tank leach field and expansion area shall be depicted on the revised site plan as part of a final submittal. (MHMC 13.24)

XII. OTHER CONDITIONS

- ☒ A. The applicant shall have an acoustical analysis prepared by a licensed professional, specifying the manner in which interior noise levels will be reduced to the required forty-five (45)

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- ✓ B. Submit minimum six (6) complete sets of working drawings and specifications. Building plans shall be drawn at a minimum 1/4" scale. Minimum sheet size shall be 18" x 24". Submit minimum - six (6) complete sets of drawings for all commercial and or industrial buildings. (UBC 106.3.3)
- ✓ C. A demolition permit from the Building Division of the City of Morgan Hill is required prior to the demolition of any structure. All structures which are 50 years old or older must complete a 15 day posting requirement. All structures must obtain a permit from the Bay Area Air Quality Control Board prior to demolition. (MHMC 15.60)
- ✓ D. Permits for new structures or additions will require compliance with the Building Security Ordinance. Requirements such as the installation of dead bolts on doors, protection methods for windows, garage door security, commercial roof opening security, lighting at all exit doors, etc. may be required. (MHMC 15.40)
- ✓ E. Permits for new structures or additions to existing structures will require the installation of fire sprinklers. (MHMC 15.08.070)
- ✓ F. All copper tube for water piping shall have a weight of not less than type "L" . (MHMC 15.20.050)

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PUBLIC WORK DEPARTMENT

ENGINEERING DIVISION

XII GENERAL

- ___A. The applicant shall cause the construction of all public and private improvements in accordance with the latest City Standard Drawings and Specifications. Should the applicant propose the use of development and/or construction standards for any improvement and/or land uses, which are different than those presently set forth in the City's codes and ordinances, such alternative standards must be presented and approved by the Director of Public Works. The applicant shall cause Standard Specifications and Standard Drawings to be prepared in a format to be approved by the Director of Public Works. (MHMC 17.32.080)
- ___B. The applicant shall have a Final Map prepared by a registered engineer or licensed land surveyor delineating all parcels and easements created. There shall be concurrence in writing by PG & E, Telephone, Cable TV and any other affected agencies to all improvements and easements which are applicable to them. The number and locations of monuments shall be as required by the Public Works Department. (MHMC 17.20.200)
- ___C. The applicant shall submit as part of the improvement drawings for the project, profiles of all improvements in the subdivision and typical cross-sections of all streets and details of curbs, gutters, and sidewalks, to be accomplished to the satisfaction of the Director of Public Works prior to submittal of Final Map. (MHMC Sec 17.32.080)
- ___D. Obtain necessary encroachment permits from City of Morgan Hill/County of Santa Clara/ State of California/ Santa Clara Valley Water District, and provide guarantee covering off-site improvements. (MHMC 12.08.040 A)
- ___E. Modification of existing map to show (Storm Drain System) (Pavement widths) (Curve Radius) (Existing Utilities) on _____
(MHMC 17.20.040)

- ___F. Enter into a Subdivision Improvement Agreement with the City of Morgan Hill to cover required improvements. (MHMC 17.32.160)
- ___G. Reciprocal access easements and maintenance agreements ensuring access to all parcels and joint maintenance of all common roads, drives or parking areas shall be provided by CC&R's and by deed and shall be recorded concurrent with the map, or prior to issuance of building permit where no map is involved. (MHMC 17.20.340; 17.20.350)
- ___H. The applicant shall submit a complete traffic study of the area affected by the proposed project. This study shall be subject to review and approval by the Public Works Director prior to the issuance of any City permits. All mitigating improvements outlined in the study shall be installed by the applicant at his expense. (MHMC 17.32.090)
- ___I. Prior to final map approval or issuance of a building permit, the applicant shall pay ½ the cost of an improved median on _____ for that portion covering the project frontage. Said cost shall be determined by the City Engineer. (MHMC 3.44.020)
- ___J. A map for assessment district reapportionment and reassessment spread shall be prepared and submitted to the City Engineer for review, approval and City submittal to the County Assessor. Said map shall be recorded concurrent with subdivision/parcel map. (MHMC 17.20.350)
- ___K. Pursuant to City Ordinance 982, the subject property will have reimbursement obligation to the City for lands acquired for street purposes and streets improved should those lands/street improvements abut or be included within subject property. (MHMC 12.02.120 B).
- ___L. **IMPACT FEE INCREASE**-The City of Morgan Hill, pursuant to City Code Chapter 3.56 has established ten specific categories of impact fees to finance the cost of improvements

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required by new development. The City Council has chosen to implement certain fees, withhold implementation of certain fees, and stage the implementation of certain fees. City Code Chapter 3.56.050 provides for automatic annual (July 1) adjustment of those fees in existence utilizing the Engineering News Record Index for the preceding twelve months. Those fees which a developer elects to defer shall be subject to the fees in effect at the time of development of a lot (issuance of building permit). The City Public Works Department maintains historical records on the Engineering News Record Index. These records are available for inspection during normal business hours.

XIII. STREET IMPROVEMENTS

- ___A. The applicant shall cause the design and construction of all new public and private streets serving the project. The design of all new public and private streets shall be consistent with both the General Plan Land Use and Circulation Element as well as the Street Standard Details as contained within the Public Works Standards Details. The construction of the streets shall be undertaken to the lines and grades and in a manner satisfactory to the Director of Public Works. All street improvements shall be constructed to the satisfaction of the Director of Public Works. The timing of the improvements will be determined by the City. (MHMC 17.32.060)
- ___B. Installation and dedication of street improvement including, but not limited to, curb and gutter, sidewalk, compaction, street paving, oiling, storm drainage facilities, sewer and water, fire protection, undergrounding of utilities and street lighting on _____ in conformance with City of Morgan Hill requirements. (MHMC 17.32.060)
- ___C. Dedication of a total of _____ feet from center line of public right-of-way on _____. (MHMC 17.28.010)
- ___D. Dedication of the required corner cutoff at the intersection of _____. (MHMC 17.28.010)

XIV. SANITARY SEWER SYSTEM

- ___A. The applicant, at his or her expense, shall have a registered civil engineer prepare a complete sewer system capacity study of the on- and off-site sewer system which will service the project (both upstream and downstream). The study shall meet the approval of the Director of Public Works. All needed improvements shall be installed by the applicant. No downstream overloading of existing sewer system will be permitted. (MHMC 17.32.090)
- ___B. The applicant shall cause to be undertaken the design and construction of sanitary sewer improvements including, but not limited to installation of sewer line extension on _____ Collection system shall include, but not be limited to manholes with manhole frames and covers, cleanouts, wye branches and laterals, and separate sewer taps to each lot. These are to be installed by the developer. (MHMC 17.32.020 C)
- ___C. All existing and future sewer lines shall be tied into the City's system and existing septic systems shall be abandoned in accordance with City requirements. (MHMC 13.24.080)

XV. STORM DRAIN SYSTEM

- ___A. A complete storm drainage study of the proposed development must be submitted showing amount of run-off, and existing and proposed drainage structure capacities. This study shall be subject to review and approval by the Director of Public Works. All needed improvements will be made by the applicant. No overloading of the existing system will be permitted. (MHMC 17.32.090)
- ___B. The applicant shall cause the design and construction to be undertaken for a storm drainage collection system shown on the Tentative Map. All storm drain improvements shall be constructed to the satisfaction of the Director of Public Works. (MHMC 17.32.020 B)
- ___C. Collection system shall be designed to be capable of handling a year storm without local flooding. On-site detention facilities

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shall be designed to a 25-year storm capacity. Whereas, on-site retention facilities shall be designed to a 100 year storm capacity. Items of construction shall include, but not be limited to Installation of storm line extension on _____ surface and subsurface storm drain facilities, manholes with manhole frames and covers, catch basins and laterals. (MHMC 17.32.080)

- ___D. Prior to final map approval the applicant shall complete the following to the satisfaction of the Santa Clara Valley Water District and Director of Public Works.
1. Storm drain calculations to determine detention pond sizing and operations.
 2. Plan describing how material excavated during construction will be controlled to prevent this material from entering the storm drain system.³
 3. Storm Water Pollution Prevention Plan.
- ___E. Since the developed portion of this site encompasses more than 1 acres, a Storm Water Pollution Prevention Plan (SWPPP) will be required as a provision of the state's General National Pollutant Discharge Elimination System Storm Water Permit for Construction Activities. The SCVWD requests a copy of the SWPPP for their information (SCVWD).
- ___F. Current Federal Emergency Management Agency Flood Insurance Maps show the site is located in Zone X, an area subject to less than 1 foot of flooding. SCVWD recommends that the lowest floor of any building be constructed a minimum of one foot above the potential depth of flooding or two feet above existing ground level to be free from flooding (SCVWD).
- ___G. Land use for the hydrology of the PL-566 channel improvement project for this site is single family. Land use of greater intensity, as proposed, will require mitigation of the increased runoff due to development. Mitigation measures, such as a detention facility, will need to remain in place indefinitely after the PL-566 channel improvements are completed, or until a regional detention facility or additional channel improvements are constructed. Calculations for the sizing of the proposed detention facility and an analysis of the impacts in the event of a one percent flood should be provided for review of the SCVWD (SCVWD).

XVI. WATER SYSTEM

- ___A.. The applicant shall cause the design and construction to be undertaken of a domestic water system to the satisfaction of the Director of Public Works. The water system improvements shall be constructed within public easements or street rights-of-way to the satisfaction of the Director of Public Works and dedicated to the City. (MHMC 17.32.090)
- ___B. Abandonment of any existing water well shall be in conformance with Santa Clara Valley Water District Ordinance 90-1. Location and disposition to be shown on the plan. Well(s) shall be properly registered with the SCVWD and either be maintained or abandoned in accordance with District standards.
- ___C. Installation of water line extension on _____ (MHMC 3.44.010)
- ___D. Provide separate water services and meters for each lot. These are to be installed by developer. (MHMC 17.32.020 D)
- ___E. Should the City determine that additional water storage capacity is required, the applicant shall pay a share of any necessary improvement costs. The timing and amount of payment (developer's proportionate share) may be based on City-wide usage) shall be determined by the Public Works Director. (MHMC 3.44.010)

XVII. OTHER CONDITIONS

- ___A. The owner shall dedicate all necessary utility easements. Each requirement shall be determined by the Director of Public Works, and shall be accompanied by appropriate legal descriptions. (MHMC 17.28.010)
- ___B. The applicant shall cause the design and construction required to underground all electric, gas, Cable TV and communication lines within the development. Such design and construction shall be to the satisfaction of the affected utilities and the Director of Public Works. (MHMC 17.32.020 E.1)
- ___C. The final map on all major subdivision (5 or more lots) shall be approved by the City Council prior to issuance of a grading

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permit. For minor subdivision (4 lots or less), the final map shall be signed by the City Engineer and the Planning Commission Secretary prior to issuance of a grading permit. **(MHMC 17.20.380; 17.24.210)**

- ___D. Landscaping and irrigation systems serving common areas that are required to be installed in the public right-of-way on the perimeter of this tract area shall be continuously maintained by the Homeowner's Association.
- ___E. Final landscape plans shall be submitted with and included as part of the improvement plans for the subdivision. **(MHMC 17.08.090)**

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OFFICE OF JOINT POWERS PRETREATMENT

XVIII. COMMERCIAL AND INDUSTRIAL BUILDINGS

- ☒ A. Restaurants and food preparation facilities shall install grease interceptors. The type, size and location of said interceptors shall be to the approval of the Public Works Director and the Pretreatment Office.
- ☒ B. Installation of a sewer test manhole in lieu of a property line clean-out, shall be provided for each building, in accordance with standard city specifications. **(MHMC 13.20.270)**
- ☐ C. Where a septic tank system is proposed, a copy of the approval permit from the Santa Clara County Environmental Health Department shall be filed with the Office of Joint Powers Pretreatment prior to issuance of a building permit.

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FIRE DEPARTMENT

XIX. SITE DEVELOPMENT

✓ A. Required Fire Flow. Required fire flow for this project is 8000 GPM at 20 psi residual pressure. The required fire flow available from area water mains and fire hydrant(s) which are spaced at the required spacing. (UFC Appendix III-A)

✓ B. Fire Hydrant Location Identifier: Prior to project final inspection, the general contractor shall ensure that an approved ("Blue Dot") fire hydrant location identifier has been placed in the roadway, as directed by the fire department.

✓ C. Automatic Fire Sprinkler System Required. *All new commercial buildings* ~~a fire flow in excess of 2,000 GPM~~ shall be equipped throughout with an approved automatic fire sprinkler system. The fire sprinkler system shall be hydraulically designed per National Fire Protection Association (NFPA) Standard #13, 1994 Edition. (UFC 1003.2.2 as amended by MHMC 15.44.040)

___ D. Final Required Fire Flow. Required fire flow may be reduced up to 50% in buildings equipped with automatic fire sprinkler systems but, can be no less than 1,500 GPM. Therefore, the final required fire flow is _____ GPM at 20 psi residual pressure. This flow shall be taken from any two fire hydrants, on or near the site so long as they are spaced at a minimum spacing at 250 feet. (UFC Appendix III-A, Section 5)

___ E. Public Fire Hydrant(s) required. Provide _____ public fire hydrant(s) at location(s) to be determined jointly by the Fire Department and the _____ Water Company. Maximum hydrant spacing shall be _____ feet and the minimum single flow hydrant shall be _____ GPM at 20 psi residual pressure. If fire hydrants

are already in place, include civil drawings showing location of all hydrants with the building permit submittal. (UFC 903.2)

✓ F. ^{On-site} Private Fire Hydrant(s) Required. Provide _____ private on-site fire hydrant(s) installed per NFPA Std. #24, at location(s) to be determined by the Fire Department. *acceptable* ~~Maximum~~ hydrant spacing shall be 250 feet and the minimum ~~single~~ flow hydrant shall be 1500 GPM at 20 psi residual pressure. Prior to design, the project civil engineer shall meet with the fire department water supply officer to jointly spot the hydrant locations. (UFC 903.2)

___ G. Required Fire Flow Option (Single Family Dwellings). Provide required fire flow from fire hydrants spaced at a maximum of 500 feet **OR** provide an approved fire sprinkler system throughout all portions of the building. The fire sprinkler system shall conform to National Fire Protection Association Standard #13D, 1994 Edition, and local ordinance requirements. (UFC 903.2) *required fire*

___ H. Water Supply for Fire Protection (Single Family Dwelling). Provide a water tank of _____,000 Gallons capacity and one _____ fire hydrant. Installations shall conform with Fire Department Standard Details and Specifications W-1. (UFC 903.2)

✓ I. Required Hydrant Installation(s). Hydrants shall be installed and spaced along the new or replacement water main installation(s) at a maximum spacing of 250 feet. Provide hydraulic calculations to show that required fire flow *will* ~~can be~~ provided. (General Order 103) * see additional undergrounds, fire service comment * Provide utility plan with a scale of 40 or less for review of hydrant spacing

✓ J. Private on-site Fire Service Mains and Hydrants. Installations shall conform to National Fire Protection Association Standard #24, and Fire Department Standard Details and Specifications W-2 (UFC 903.2) A separate installation permit from the Fire Department is required.

✓ K. Timing of Required Water Supply Installations. Prior to the commencement of combustible construction, the required Fire Hydrant and Water Supply installations shall be in place, inspected, tested and accepted by the Fire Department unless otherwise approved in writing by the Fire Marshal. Bulk *If the supply piping is "combined" (sprinkler system & hydrants) a U.C. approved 4-way FDC shall be provided.*

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- construction materials ^{shall} may not be delivered to the construction site until installations are completed as stated above. Clearance for building permits may be held until installations are completed. (UFC 901.3)
- ✓ L. Location of Required Fire Protection System(s) Equipment. Location of Fire Hydrants, Fire Sprinkler System(s) Control Valves (PIV / OS&Y), Fire Department Connections (FDC) and Fire Alarm Equipment shall be coordinated with the Fire Department and the Project Planners. (UFC 1001.7.1; 1001.8)
- ✓ M. Review of this Development proposal is limited to acceptability of site access and water supply as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits. ^(tested and accepted) ^(prior to submittal of formal designs) ✓ S.
- ___ N. Review of these plans does not release the developer, architect, or contractor of the responsibility for the corrections of mistakes, errors or omissions contained therein.
- ___ O. This record contains standard wording for developmental review comments. The section(s) may be copied and pasted into other documents to save time and improve accuracy. Use of a standard format and standard wording has been requested by the cities and recommended by their respective city/town attorneys. PARTS ARE LOCATED AT 97-0001-0004.
- ✓ P. Fire Apparatus (Engine) Access Roads Required. Prior to the commencement of combustible construction, an access roadways with a paved all weather surface and a minimum unobstructed width of 20 feet, vertical clearance of 13 feet, 6 inches shall be provided, with minimum circulating turning radius of 36 feet outside and 23 feet inside, and a maximum slope of 15%, unless otherwise approved in writing by the Fire Marshal. Installations shall conform with Fire Department Standard Details and Specifications A-1. (UFC 902.2.2) ^{sheet}
- ___ Q. Fire Department (Engine) Roadway Turn-around Required. Prior to the commencement of combustible construction the applicant shall provide an approved fire department engine

roadway turn-around with a minimum radius of 36 feet outside and 23 feet inside unless otherwise approved in writing by the Fire Marshal. Installations shall conform with Fire Department Standard Details and Specifications A-1. Cul-de-sac diameters shall be no less than 72 feet. (UFC 902.2.2.4)

- ___ R. Emergency Gate/Access Gate Requirements. Open gates shall not obstruct any portion of the required access roadway or driveway width. If provided, all locks shall be fire department approved. Installations shall conform with Fire Department Standard Details and Specifications G-1. (UFC 902.2.4.1)

✓ S. Fire Lane Marking Required. Provide marking for all roadways within the project. Markings shall be per fire department specifications. Installations shall also conform to Local Government Standards and Fire Department Standard Details and Specifications A-6. (UFC 901.4.2)

- ✓ T. Parking Along Roadways. ^{may} The required width of fire access roadways shall not be obstructed in any manner. Parking shall not be allowed along roadways less than 28 feet in width. Parking ~~will~~ be allowed along one side of the street for roadways 28-35 feet in width. For roadways equal to or greater than 36 feet, parking will be allowed on both sides of the roadway. Roadway widths shall be measured face to face of curb. Parking spaces are based on an 8 foot wide space. (UFC 902.2.4.1)

- ___ U. Required Plans and Permits. Plans for fire apparatus access roads and fire hydrant systems shall be submitted to the Fire Department for review and approval prior to construction. Permits are required for the installation of all Private Water Supply, Tank, and Hydrant systems and must be issued to contractors prior to the start of installation of such systems. (UFC 901.2.2.1, 902.2.2.2)

- ___ V. Required Access to Water Supply Hydrants) Unless otherwise approved in writing by the Fire Marshal prior the issuance of building permit, Portions of the structure(s) are greater than 150 feet of travel distance from the centerline of the roadway containing public fire hydrants. Provide an on-site fire hydrant OR provide an approved residential fire sprinkler system throughout all portions of the building. (UFC 903.2)

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- ___ W. Required Access to Buildings. Portions of the structure(s) are greater than 150 feet of travel distance along an accessible travel path from an approved fire apparatus access roadway or driveway. Provide an approved fire apparatus roadway/driveway and approved turn-around **OR** provide an approved type residential fire sprinkler system throughout all portions of the building. (UFC 902.2.1, 902.2.2.4)
- ✓ ___ X. Fire Department Key Box Required. The building shall be equipped with a permanently installed emergency access key lock box (Knox), conforming to Fire Department Standard Detail and Specification sheet K-1. At time of final inspection, access keys shall be provided to the fire department. (UFC 902.4)
- ___ Y. Fire Apparatus (Engine) Access Driveway Required. Provide an access driveway with a paved all weather surface and a minimum unobstructed width of _____ feet, vertical clearance of 13 feet, 6 inches, minimum circulating turning radius of 36 feet outside and 23 feet inside, and a maximum slope of 15%. Installations shall conform to Fire Department Standard Details and Specifications D-1. (UFC 902.2.2)
- ___ Z. Fire Department (Engine) Driveway Turn-around Required. Provide an approved fire department engine driveway turn-around with a minimum radius of 36 feet outside and 23 feet inside. Installations shall conform with Fire Department Standard Details and Specifications D-1. (UFC 902.2.2.4)
- ___ AA. Location of Required Fire Protection System(s) Equipment. Location of Fire Hydrants, Fire Sprinkler System(s) Post Indicator Valves (PIV), Fire Department Connections (FDC) and Fire Alarm Equipment shall be coordinated with the Fire Department and the Project Planners. (UFC 1001.7.1, 1008.1)
- ___ BB. Access to Buildings/Landscaping Requirements. Landscaping shall not obstruct Fire Department ladder access to buildings. Building Permit submittals shall include a landscape drawing which reflects the location of all landscaping. The plan shall

show how Fire Department ladder access will be provided around all buildings. Provide approved walkways on all sides of the building(s) leading from the fire access roadway to the exterior openings of the building(s). (UFC 902.3.1)

- ✓ ___ CC. Timing of Required Roadway/Driveway Installations. Prior to the commencement of combustible construction, the required roadway/driveway installations, up through first lift of asphalt, shall be in place, inspected, and accepted by the Fire Department unless otherwise approved in writing by the Fire Marshal. Bulk combustible construction materials shall not be delivered to the construction site until installations are completed as stated above. During construction, emergency access roads shall be maintained clear and unimpeded. Issuance of building permits may be withheld until installations are completed. (UFC 901.3) *Temporary access roads may be approved on a case by case basis.*
- ___ DD. Flagged Lots. Flagged lots shall conform with all access and water supply requirements in accordance with Fire Code Article 9. Contract Fire Department for applicable means of compliance. (District Policy)
- ___ EE. Timing of Required Driveway Installations. Prior to the commencement of combustible construction the required driveway installations shall be in place, inspected, and accepted by the Fire Department unless otherwise approved in writing by the Fire Marshal. Bulk combustible construction materials may not be delivered to the construction site until installations are completed as stated above. Clearance for building permits also may be held until installations are completed. (UFC 901.3)
- ___ FF. Fire Apparatus (Ladder Truck) Access Roads Required. Provide access roadways with a paved all weather surface and a minimum unobstructed width of 30 feet, vertical clearance of 13 feet, 6 inches, minimum circulating turning radius of _____ feet outside and _____ feet inside, a maximum slope of 10% and vehicle loading of _____,000 pounds. (UFC 902.2.2.1)
- ___ GG. Fire Ladder Truck Set Up Area(s) Option. Provide Fire Department Ladder Truck Set Up Areas with a minimum


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unobstructed width of 30 feet and minimum length of 60 feet. Area shall support 75,000 pounds of gross vehicle weight. Area shall be paved or other engineered surfaces may be used with Fire Department approval. (UFC 902.2.2.1)

___ HH. Secondary Access Required. Provide a secondary access point. Installation and Design of Secondary Access shall conform to Fire Department Standard Details and Specifications A-4. (UFC 902.2.1)

___ II. Bridges (Driveways). The bridge shall be designed for a live load of 40,000 pounds as stated in Fire Department Standard Details and Specifications D-1 and in accordance with Article 90 of the Fire Code. (UFC 902.2.2.5)

 JJ. Premises Identification. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers shall contrast with their background and be a minimum of four inches in height. (UFC 901.4.4)

___ KK. Building Code Review. Building Code review will be conducted upon receipt of a plans submittal and Building Permit Application from the local building department having jurisdiction.

___ LL. Hazardous Materials Compliance Review. Hazardous Materials Compliance review is not completed in the Development Review Process. Questions regarding Hazardous Materials may be directed to (408)378-4010 ext. 20.

___ MM. Review of Street Improvement Plans for

Approved or Disapproved (as applicable). State reason for disapproval.

___ NN. The proposal presented under this application is acceptable to the Fire Department. Prior to performing any grading, demolition, construction or building modifications, the applicant shall make an application to, and obtain from the Building and Fire Department all necessary permits. The requirements or conditions, if stated above, shall be incorporated into the project drawings submitted for Building and Fire Department review.

___ OO. No Fire Department Requirements or Conditions. For the application submitted. Subsequent submittals will be reviewed for Fire Department compliance upon receipt.

___ PP. Preliminary Review Only. The requirements and conditions stated in this review are preliminary and are intended to be used for the purposes of project planning. An official Fire Department review of the project will be conducted upon receipt of a complete Building Permit Application and Plan Submittal that clearly shows all intended grading, demolition, construction or building modifications.

___ QQ. To prevent plan review and inspection delays, the Fire Department Developmental Review Conditions contained within this standard conditions checklist shall be restated as "notes" on all pending and future plan submittals, and any referenced diagrams shall be reproduced onto the future plan submittal.

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POLICE DEPARTMENT

XX. SITE DEVELOPMENT

- ___A. The applicant shall comply with applicable provisions of the City's building security ordinance. Exterior lighting shall comply with criteria specified in the Design Review Ordinance. (MHMC 18.74.370)
- ___B. The common main entrance door to a multi-family residential building shall be coupled with a voice intercom and electric door controls for each living unit to monitor control of visitor access to the building's interior. There shall be no master keying of residential units.
- ___C. On directories used in a multiple family dwelling, the residents listed shall be by alphabetical listing only and shall not correspond to numbering of dwelling unit. (MHMC 15.40.410)
- ___D. Where electronic security gates are provided to a development, a voice intercom or phone and electric gate control shall be provided. Gate location shall be designed to provide adequate area for turn around of vehicles.

XXI. BUILDING DESIGN

- ___A. Building shall be pre-wired to provide a hard wire burglar alarm system. This shall include any windows or doors at ground level and including any windows capable of being reached without ladders from the building's exterior. The wire shall be laid in conduit. This condition does not include the actual alarm system, but only the pre-wiring for desired hookup at a later date.
- ___B. All exterior transoms, glass skylights, and other openings of glass which are accessible from any surface on the premises shall be constructed of burglary- resistant glass or equally

resistant glasslike material or secured on the inside with the following protective devices:

- Iron bars of at least one-half (½)inch round or one (1) inch x one-quarter (1/4) inch flat steel material no more than five (5) inches apart and securely fastened; or
- Iron or steel grills of at least one-eighth (1/8) inch thickness with mesh not to exceed two (2) inches secured with non-removable type screws. (MHMC 15.40.250)

- ___C. All hatchway openings shall be secured with the following protective devices:

- If the hatchway is of wooden material, it shall be covered on the inside with at least sixteen (16) gauge sheet steel, or its equivalent, attached with screws.
- The hatchway shall be secured from the outside with a slide bar or slide bolt with a minimum of one (1) inch throw. The use of a crossbar or padlock must be approved by the Fire Department.
- Outside hinges on all hatchway openings shall be provided with non-removable pins using pin-type hinges. (MHMC 15.40.280)

- ___D. All air duct or air vent openings exceeding eight (8) inches x twelve (12) inches on the roof or exterior walls of any building shall be secured by covering the same with either of the following:

- Iron bars of at least one-half (½)inch round or one (1) inch x one-quarter (1/4) inch flat steel material, spaced no more than five (5) inches apart and securely fastened; or
- Iron or steel grills of at least one-eighth (1/8) inch thickness with mesh not to exceed two (2) inches and secured with non-removable type screws.
- If the barrier is on the outside, it shall be secured with galvanized round-head through bolts of at least three-eighths (3/8) inch diameter on the outside. (MHMC 15.40.290)

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PACIFIC GAS & ELECTRIC (PG&E)

XXII. UTILITY ACCESS

- ✓ A. Development plans shall provide for unrestricted utility access and avoid encroachments that might impair the safe and reliable maintenance and operation of PG&E's facilities. Examples of activities which could have an impact on PG&E facilities include permanent/temporary changes in grade over or under the facilities; construction of structures within or adjacent to PG&E easements; and planting of certain types of vegetation over or underneath gas and electric facilities respectively. Developers shall be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate the proposed development (PG&E).

XXIII. OTHER CONDITIONS:

(see next page)

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XXIII. OTHER CONDITIONS:

- ✓ 1. Prior to issuance of a building permit, the applicant shall revise the site plan, landscape plan, building elevations and photometric plan to incorporate the conditions of project approval, and return to a subcommittee of the Board for final review and approval. All buildings not yet reviewed by the ARB shall require separate Architectural and Site Plan Review application and approval by the full Board (PLNG).
- ✓ 2. Provide one landscape planter for every 10 parking spaces, except when there are more than 14 and less than 20 spaces, the planter shall be centered in the row (PLNG).
- ✓ 3. Provide landscape planters at each end of a row of parking that extend the full length of the adjacent stall. End planters may be rounded at the corners to the extent allowable by the Zoning Code (PLNG).
- ✓ 4. Increase the width of all landscape planters to comply with minimum Code requirements (seven feet for end planters, eight feet for center planters). Please note that these dimensions represent the City's base Code requirements; PUD standards require minimum 10-ft wide landscape areas (PLNG).
- ✓ 5. Eliminate the parking lot loading zones (PLNG).
- ✓ 6. Parking shall be provided on-site in accordance with the City standards identified in the project EIR (PLNG).
- ✓ 7. Revise the parking data on Sheet SP1 to identify a required shopping center parking ratio of 1 space per 283 sf, and recalculate the parking figures to reflect all changes made to the Site Plan (PLNG).
- ✓ 8. Relocate trash enclosures outside of site perimeter landscape buffers. (PLNG).
- ✓ 9. For loading zones located at the rear of buildings, place protective barriers (e.g. bollards, planters), appropriate signage, or 'keep clear' striping at all man doors to prevent blocked access (PLNG).
- ✓ 10. A note on Sheet SP1 pointing to the rear of buildings reads, "Note: This area is for trash and loading typical." No trash or trash containers shall be stored outdoors unless located within an approved trash enclosure (PLNG).
- ✓ 11. Utilize parking lot light fixtures with cut off shields to minimize light and glare impacts on neighboring uses (PLNG).
- ✓ 12. Revise the photometric plans to identify lighting levels on-site (PLNG).
- ✓ 13. Identify existing ground elevations for the adjacent property to the north in order to ensure excessive padding of the site is not proposed (PLNG).
- ✓ 14. Design parapet walls to completely screen all roof-mounted equipment. No roof-mounted equipment shall be visible from the ground along Mission View and Cochrane Road (PLNG).
- ✓ 15. The applicant shall provide additional information regarding the proposed commercial advertisement displays (e.g., content, size, placement, graphic size, etc.) for review and approval by the Architectural Review Board as part of the uniform sign program application (PLNG).
- ✓ 16. Target (Left Side) – Provide some form of architectural element, similar to the front elevation (PLNG).
- ✓ 17. Target (Rear) – Design the back side of the 55-ft tall vertical element to match the front elevation, with the exception of the Target logo (PLNG).
- ✓ 18. Finish the back sides of all parapet walls where visible with texture and color to match the front side of the building (PLNG).
- ✓ 19. Shops B and K – Wrap the walls of the 42-ft tall vertical element to the 'Rear Road' side and 'Parking-Shop Entrance' side to give the appearance of an enclosed tower (PLNG).
- ✓ 20. Prior to issuance of building permit, provide color and material details for the cart corrals (PLNG).
- ✓ 21. Replace the Red Maple proposed along Mission View Drive with the Platanus acerifolia 'London Plane Tree' to be consistent with the established street trees along Mission View Drive (PLNG).
- ✓ 22. Along Cochrane Road, plant either Sweetgum or the Fraxinus undei "Majestic Beauty" as the street tree. If the Sweetgum is selected, provide additional trees to allow for a tighter spacing of trees (PLNG).
- ✓ 23. Provide minimum three foot tall berms along Cochrane Road and Mission View Drive, and provide variation/undulation in the berms (PLNG).

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- ✓ 24. Revise the secondary intersection (Plan D, Sheet L3) by shifting the circular paver design to the center of the intersection (PLNG).
- ✓ 25. Identify proposed locations for outdoor furniture (PLNG).
- ✓ 26. Provide shaded outdoor seating/plaza areas (PLNG).
- ✓ 27. The applicant shall relocate the ten (10) existing palm trees on-site to the extent it is physically feasible (ARB).
- ✓ 28. Buildings shall not be constructed across property lines (BLDG).
- ✓ 29. Easements are required for utilities serving the buildings (BLDG).
- ✓ 30. The applicant shall be subject to all the conditions of the tentative map for this project (PW).
- ✓ 31. Please provide a security office within the shopping center for use by the on-site security personnel and the City of Morgan Hill Police Department (POLICE).
- ✓ 32. Required Fire Flow. The fire flow for this project is 8,000 gpm at 20 psi residual pressure. As an automatic fire sprinkler system will be installed, the fire flow has been reduced by 50 percent establishing a required adjusted fire flow of 4,000 (plus sprinkler system demand of the largest building) gpm at 20 psi residual pressure. The adjusted fire flow is available from area water mains and fire hydrant(s) which are not spaced at the required spacing (FIRE).
- ✓ 33. Automatic Fire Sprinkler System Required. All new commercial buildings shall be protected throughout by an approved, automatic fire sprinkler system, hydraulically designed per National Fire Protection Association (NFPA) Standard #13. Revise drawings in writing to show sprinklers required throughout all portions of all buildings. A State of California licensed fire protection contractor shall submit plans, calculations, a completed permit application and appropriate fees to the Fire Department for review and approval prior to beginning their work (FIRE).

- ✓ 34. Fire Hydrant Location Identifier. Prior to project final inspection, the general contractor shall ensure that an approved ("Blue Dot") fire hydrant location identifier has been placed in the roadway, as directed by the fire department. Prior to installation, a copy of the fire department "approved" underground fire service drawings shall be provided to the Morgan Hill Public Works Department for record purposes. To prevent engineering delays, the underground contractor shall submit to the fire department three sets of shop drawings designed per NFPA Std. #24, a completed permit application, and applicable fees for review and approval ASAP (FIRE).
- ✓ 35. The project shall comply with the requirements of the Pretreatment Division, as contained in the Development Review Comments dated September 7, 2005 (PRETREATMENT).
- ✓ 36. The developer shall contact the Morgan Hill Post Office for delivery approval (POST OFFICE).
- ✓ 37. The Santa Clara Valley Transportation Authority recommends that the project establish a new bus stop on southbound Cochrane Road, south of Mission View Drive, with the improvements listed below. The final location and design of the bus stop shall be subject to review and approval of the Public Works Department (SCVTA).
 - A 22-ft curb lane or bus duckout, consistent with VTA standards;
 - A passenger waiting pad, adjacent to the stop;
 - Pedestrian access from the new shopping center to the sidewalk; and
 - A PCC Bus Stop Pavement Pad, consistent with VTA standards.

(End)